

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA JOSE PIZARRO

ANSWER TO THE COMPLAINT

Plaintiff

Civil Action No. 20-cv-5783

v.

EUROS EL TINA RESTAURANT LOUNGE and
BILLIARDS ET AL.,

Defendant(s)

-and-

EMITON FERNANDEZ

Third Party Defendant

Defendant Emiton Fernandez in his answer to the Complaint, respectfully alleges, upon information and belief, as follows:

I

ADMISSIONS AND DENIALS

1. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 1 of the complaint.
2. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 2 of the complaint.
3. The defendant denies the allegations contained in paragraph 3 of the complaint.
4. The defendant denies the allegation contained in paragraph 4 of the complaint.
5. The defendant denies the allegation contained in paragraph 5 of the complaint.
6. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 6 of the complaint.
7. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 7 of the complaint.
8. The defendant denies the allegation contained in paragraph 8 of the complaint.

9. The defendant denies the allegation contained in paragraph 9 of the complaint.
10. The defendant denies the allegation contained in paragraph 10 of the complaint.
11. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 11 of the complaint.
12. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 12 of the complaint.
13. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 13 of the complaint.
14. The defendant admits the allegation contained in paragraph 14 of the complaint.
15. The defendant admits the allegation contained in paragraph 15 of the complaint.
16. The defendant admits the allegation contained in paragraph 16 of the complaint.
17. The defendant admits the allegation contained in paragraph 17 of the complaint.
18. The defendant admits the allegation contained in paragraph 18 of the complaint.
19. The defendant admits the allegation contained in paragraph 19 of the complaint.
20. The defendant admits the allegation contained in paragraph 20 of the complaint.
21. The defendant admits the allegation contained in paragraph 21 of the complaint.
22. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 22 of the complaint.
23. The defendant admits the allegation contained in paragraph 23 of the complaint.
24. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 24 of the complaint.
25. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 25 of the complaint.

26. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 26 of the complaint.
27. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 27 of the complaint.
28. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 28 of the complaint.
29. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 29 of the complaint.
30. The defendant admits the allegation contained in paragraph 30 of the complaint.
31. The defendant admits the allegation contained in paragraph 31 of the complaint.
32. The defendant admits the allegation contained in paragraph 32 of the complaint.
33. The defendant admits the allegation contained in paragraph 33 of the complaint.
34. The defendant denies the allegation contained in paragraph 34, as Zulimar Mejia was never an employee or associated in any shape or form with Euros during the period in question.
35. The defendant admits the allegation contained in paragraph 35.
36. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 36 of the complaint.
37. The defendant lack sufficient knowledge or information to determine the truth of the allegation in paragraph 37 of the complaint.
38. The defendant lack sufficient knowledge or information to determine the truth of the allegation in paragraph 38 of the complaint.
39. The defendant denies the allegation contained in paragraph 39, as Zulimar Mejia never worked for or was associated with Euros.
40. The defendant denies the allegation contained in paragraph 40 of the complaint, as defendant was hired to work at Euros by a security company.
41. The defendant denies the allegation contained in paragraph 41 of the complaint.

42. The defendant denies the allegation contained in paragraph 42 of the complaint.
43. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 43 of the complaint.
44. The defendant admits the allegation contained in paragraph 44 of the complaint.
45. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 45 of the complaint.
46. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 46 of the complaint.
47. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 47 of the complaint.
48. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 48 of the complaint.
49. The defendant admits the allegation contained in paragraph 49 of the complaint.
50. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 50 of the complaint.
51. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 51 of the complaint.
52. The defendant lackss sufficient knowledge or information to determine the truth of the allegation in paragraph 52 of the complaint.
53. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 53 of the complaint.
54. The defendant admits the allegation contained in paragraph 54 of the complaint.
55. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 55 of the complaint.
56. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 56 of the complaint.

57. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 57 of the complaint.

58. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 58 of the complaint.

59. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 59 of the complaint.

60. The defendant denies the allegation contained in paragraph 60 of the complaint, as the plaintiff never left Mr. Castro in charge of the operation at Euros when she wasn't present. The owner Santiago Quezada and his son Santiago Quezada Jr were always present in her absence.

61. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 61 of the complaint.

62. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 62 of the complaint.

63 The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 63 of the complaint.

64. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 64 of the complaint.

65. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 65 of the complaint.

66. The defendant admits the allegation contained in paragraph 66 of the complaint.

67. The defendant admits the allegation contained in paragraph 67 of the complaint.

68. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 68 of the complaint.

69. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 68 of the complaint.

70. The defendant denies the allegation contained in paragraph 70 of the complaint.

71. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 71 of the complaint.

72. The defendant denies the allegation contained in paragraph 72 of the complaint.

73. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 73 of the complaint.

74. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 74 of the complaint.

75. The defendant denies the allegation contained in paragraph 75 of the complaint.

76. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 76 of the complaint.

77. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 77 of the complaint.

78. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 78 of the complaint.

79. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 79 of the complaint.

80. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 80 of the complaint.

81. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 81 of the complaint.

82. The defendant denies the allegation contained in paragraph 82 of the complaint.

83. The defendant denies the allegation contained in paragraph 83 of the complaint.

84. The defendant denies the allegation contained in paragraph 84 of the complaint.

85. The defendant denies the allegation contained in paragraph 85 of the complaint.

86. The defendant denies the allegation contained in paragraph 86 of the complaint.

87. The defendant denies the allegation contained in paragraph 87 of the complaint.

88. The defendant denies the allegation contained in paragraph 88 of the complaint.

89. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 89 of the complaint.

90. The defendant denies the allegation contained in paragraph 90 of the complaint.

91. The defendant denies the allegation contained in paragraph 91 of the complaint.

92. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 92 of the complaint.

93. The defendant denies the allegation contained in paragraph 93 of the complaint.

94. The defendant denies the allegation contained in paragraph 94 of the complaint.

95. The defendant denies the allegation contained in paragraph 95 of the complaint.

96. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 96 of the complaint.

97. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 97 of the complaint.

98. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 98 of the complaint.

99. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 99 of the complaint.

100. The defendant denies the allegation contained in paragraph 100 of the complaint.

101. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 101 of the complaint.

102. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 102 of the complaint.

103. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 103 of the complaint.

104. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 104 of the complaint.

105. The defendant denies the allegation contained in paragraph 105 of the complaint.

106. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 106 of the complaint.

107. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 107 of the complaint.

108. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 108 of the complaint.

109. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 109 of the complaint.

110. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 110 of the complaint.

111. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 111 of the complaint.

112. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 112 of the complaint.

113. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 113 of the complaint.

114. The defendant denies the allegation contained in paragraph 114 of the complaint.

115. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 115 of the complaint.

116. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 116 of the complaint.

117. The defendant denies the allegation contained in paragraph 117 of the complaint.

118. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 118 of the complaint.

119. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 119 of the complaint.

120. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 120 of the complaint.

121. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 121 of the complaint.

122. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 122 of the complaint.

123. The defendant denies the allegation contained in paragraph 123 of the complaint.

124. The defendant denies the allegation contained in paragraph 124 of the complaint.

125. The defendant denies the allegation contained in paragraph 125 of the complaint.

126. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 126 of the complaint.

127. The. defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 127 of the complaint.

128. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 128 of the complaint.

129. The defendant denies the allegation contained in paragraph 129 of the complaint.

130. The defendant denies the allegation contained in paragraph 130 of the complaint.

131. The defendant denies the allegation contained in paragraph 131 of the complaint.

132. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 132 of the complaint.

133. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 133 of the complaint.

134. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 134 of the complaint.

135. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 135 of the complaint.

136. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 136 of the complaint.

137. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 137 of the complaint.

138. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 138 of the complaint.

139. The defendant denies the allegation contained in paragraph 139 of the complaint.

140. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 140 of the complaint.

141. The defendant denies the allegation contained in paragraph 141 of the complaint.

142. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 142 of the complaint.

143. The defendant denies the allegation contained in paragraph 143 of the complaint.

144. The defendant denies the allegation contained in paragraph 144 of the complaint.

145. The defendant denies the allegation contained in paragraph 145 of the complaint.

146. The defendant lacks sufficient knowledge or information to determine the truth of the allegation in paragraph 146 of the complaint.

147. The defendant denies the allegation contained in paragraph 147 of the complaint.

148. The defendant denies the allegation contained in paragraph 148 of the complaint.

149. The defendant denies the allegation contained in paragraph 149 of the complaint.

150. The defendant denies the allegation contained in paragraph 150 of the complaint.

I declare under penalty of perjury that the foregoing is true and accurate.

Signed this 19 day of June, 2021.

Signature of Defendant

Emiton Fernandez

Address

534 W 153 St apt 15, New York, 10031

Telephone Number

347-907-7715

11

Defenses

FIRST DEFENSE:

Fails to state a claim on which relief can be granted.

SECOND DEFENSE:

The defendant at all times acted in good faith.

THIRD DEFENSE:

I was not aware I was miss appropriating money belonging to the defendant.

Fourth DEFENSE:

I was not aware that the action in behalf of the plaintiff were in any way illegal.

Fifth DEFENSE:

The statute of limitations bars this action in that the event described in the complaint occurred more than three years before the lawsuit was commenced.

THEREFORE, defendant asks this Court to dismiss the complaint and enter judgment in favor of defendant.

Defendant reserves the right to amend the answer, including to add additional affirmative defenses.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of June 19, 2021.

Signature of Defendant Is/ Emiton Fernandez

Address: 534 W 153rd St. Apt#15 New York, NY 10031

Telephone Number: (347) 907-7715

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SOUTHERN DISTRICT OF NEW YORK

MARIA JOSE PIZARRO

Plaintiff

v.

EUROS EL TINA RESTAURANT LOUNGE and
BILLIARDS ET AL.,

Defendant(s)

-and-

EMITON FERNANDEZ

Third Party Defendant

NOTICE OF APPEARANCE

Civil Action No. 20-cv-5783

Please take notice that I, Emiton Fernandez, a defendant in this action, hereby appear *pro se* and that all future correspondence and papers in connection with this action are to be directed to me at the address indicated below.

Dated: June 19, 2021

Emiton Fernandez

Signature of Defendant

(534 W 153 St, New York 10031)